

**Notice of Allowability**

Application No.

10/080,959

Examiner

Cynthia B. Wilder, Ph.D.

Applicant(s)

CRUZ-PEREZ ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/16/2003.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 22 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____    |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No. <u>9/22/03</u> | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment         |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                    | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9 <input type="checkbox"/> Other _____                                     |

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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Tony Cole on December 15, 2003.

The application has been amended as follows:

- (a) Claim 18 has been deleted.
- (b) The following claims which were withdrawn via restriction requirement are now deemed allowable:

-- 3. A primer set for detecting *Stachybotrys chartarum* using polymerase chain reaction, comprising:

a first primer comprising a base sequence (SEQ ID NO: 1)

5'GTTGCTTCGGCGGGAAC3'; and

a second primer comprising a base sequence (SEQ ID NO:2)

5'TTTGCGTTTGCCACTCAGAG3'.--

--4. The primer set of claim 3, wherein the first primer comprises a forward primer.--

--5. The primer set of claim 3, wherein the second primer comprises a reverse primer.--

--6. A primer set for detecting *Stachybotrys chartarum* using polymerase chain reaction, comprising:

a first primer comprising a first base sequence (SEQ ID NO: 3)

5'ACCTATCGTTGCTTCGGCG3'; and

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a second primer comprising a second base sequence (SEQ ID NO: 4)

5'GCGTTTGCCACTCAGAGAATACT3'.

--7. The primer set of claim 6, wherein the first primer comprises a forward primer.--

--8. The primer set of claim 6, wherein the second primer comprises a reverse primer.--

--9. A primer and probe set for detecting the fungus *Stachybotrys chartarum* using polymerase chain reaction, comprising:

a forward primer comprising a base sequence (SEQ ID NO: 1)

5'GTTGCTTCGGCGGGAAC3';

a reverse primer comprising a base sequence (SEQ ID NO: 2)

5'TTGCGTTTGCCACTCAGAG3'; and

a probe comprising a base sequence (SEQ. ID NO. 5) 6-FAM-

5'CTGCGCCCGGATCCAGGC3'-TAMRA.--

--10. A primer and probe set for detecting the fungus *Stachybotrys chartarum* using polymerase chain reaction, comprising:

a forward primer comprising a first base sequence (SEQ ID NO: 3)

5'ACCTATCGTTGCTTCGGCG3';

a reverse primer comprising a second base sequence (SEQ ID NO: 4)

5'GCGTTTGCCACTCAGAGAATACT3'; and

a probe comprising a base sequence (SEQ ID NO: 5) 6-FAM-

5'CTGCGCCCGGATCCAGGC3'-TAMRA.--

--11. A primer for use in polymerase chain reaction, comprising:

a base sequence comprising at least one of a first, second, third and fourth base

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sequence,

wherein the first base sequence comprises (SEQ ID NO: 1)

5'GTTGCTTCGGCGGGAAC3',

wherein the second base sequence comprises (SEQ ID NO: 2)

5'TTTGCGTTTGCCACTCAGAG3',

wherein the third base sequence comprises (SEQ ID NO: 3)

5'ACCTATCGTTGCTTCGGCG3', and

wherein the fourth base sequence comprises (SEQ ID NO: 4)

5'GCGTTTGCCACTCAGAGMTACT3'--

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia B. Wilder, Ph.D. whose telephone number is (703) 305-1680. After January 14, 2004, the examiner can be reached at (571) 272-0791. The examiner works a flexible schedule and can be reached by phone and voice mail. Alternatively, a request for a return telephone call may be emailed to [cynthia.wilder@uspto.gov](mailto:cynthia.wilder@uspto.gov). Since email communications may not be secure, it is suggested that information in such request be limited to name, phone number, and the best time to return the call


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (703) 308-1119. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0196.

Cynthia B. Wilder, Ph.D.  
December 4, 2003

  
**KENNETH R. HORLICK, PH.D**  
**PRIMARY EXAMINER**

12/15/03

